

REMARKS

The Office Action of October 4, 2006 has been received and its contents carefully considered.

The present Amendment revises the title of the invention to make it more descriptive, as required in section 1 of the Office Action. The suggestion in the Office Action has been followed.

The present Amendment also revises claims 1 and 3, primarily to improve their form under US claim-drafting practice. In addition, the Amendment adds new dependent claims 10 and 11 to further protect the invention.

Claim 1 is the only independent claim in this application. Section 3 of the Office Action rejects it (along with dependent claim 2) for anticipation by US patent 5,550,738 to Bailey et al. The Bailey et al reference will hereafter be called simply "Bailey" for the sake of convenient discussion. It is respectfully submitted that the invention defined by claim 1 is patentable over Bailey for the reasons discussed below.

Claim 1 recites "a predetermined data storage for storing predetermined data appearing in" a vehicle controller. Section 3 of the Office Action identifies Bailey's data memory 48 (see Figure 3 of the reference) as the "predetermined data storage" of claim 1. However, Bailey's data memory 48 is connected to a microprocessor and other elements of what is clearly a computer. In contrast, the predetermined data storage of claim 1 is an independent device that records selected data from data that appears in a vehicle controller, and is not part of a computer like Bailey's data memory 48.

Claim 1 also recites "a data collection controller that receives the predetermined data from the predetermined data storage" and that includes "a code entry section for entering desired data in code," and "a download section for downloading data entered in code and data in the predetermined data storage" into a removable memory. Figure 2 of the reference shows a vehicle unit 16 having buttons 8, and a remote keyboard 38 that can be connected to the unit 16. Section 3 of the Office Action takes the position that these features of the Bailey reference provide the "data collection controller" of claim 1.

Applicants respectfully disagree. As Figure 2 of the reference shows, Bailey's unit 16 is connected to a magnetic sensor 26 that detects vehicular speed. Applicants' data collection

controller 4 is different. As Figure 1 of the present Application shows, Applicants' data collection controller 4 is not connected to any sensors and does not directly receive detection signals from sensors. Instead, Applicants' data collection controller 4 receives data from a vehicle controller 2 via a predetermined data storage 3; in Applicants' arrangement, it is the vehicle controller 2 that receives detection signals.

Since claim 1 now provides that a predetermined data storage stores predetermined data that appears in a vehicle controller, and that a data collection controller receives the predetermined data from the predetermined data storage, it is respectfully submitted that Bailey's unit 16 cannot be characterized as the "data collection controller" of claim 1.

For the reasons discussed above it is respectfully submitted that the invention defined by claim 1 is not anticipated by Bailey. Nor would Bailey have provided an incentive, to an ordinarily skilled person, to modify the arrangement disclosed in the reference so as to achieve the invention defined by claim 1.

The remaining claims depend (directly or indirectly) from claim 1, so they are patentable along with claim 1. Nevertheless, several dependent claims will now be briefly addressed.

Dependent claim 2 provides that "data is stored in the predetermined data storage by a storage-saving-type data recording method." Section 3 of the Office Action takes the position that this is disclosed in a passage of the Bailey reference beginning at column 5, line 64. In Bailey's arrangement, though, a change of state of a vibration sensor 56 is detected, and Bailey's unit 16 proceeds to a trip initialization state 88. In the state 88, time and date are recorded in Bailey's data memory 88 as a trip start time and date. The unit 16 then proceeds to a trip tracking state 90, where pulses from Bailey's magnetic sensor 26 are recorded in the data memory 48. This is not a storage-saving-type of the recording method.

Claim 3, which depends from claim 2, provides that the storage-saving-type data recording method is a frequency-accumulation-type method "in which every time a data value detected at predetermined intervals falls within a predetermined range of data values, a detection count for the range is accumulated and recorded." Section 5 of the Office Action takes the position that US patent 4,939,652 to Steiner discloses a frequency-accumulation-type data recording method. However, Steiner's method is to record a summary of the activity of a function during a time interval (see Steiner's column 4, lines 15-32, and particularly lines 24-27). For example, in case

of a vehicle's speed, the average speed during the time interval is recorded. Steiner's purpose is to compress data so as to preserve memory space. For example, if the time interval set at one minute, the memory only needs to be 1/60 as large as it would need to be if the time interval reset to one second.

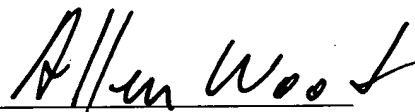
The frequency-accumulation-type data recording method of claim 3 is distinctly different from Steiner's scheme.

New dependent claim 11 recites Applicants' frequency-accumulation-type data recording method in a modified manner. It is respectfully submitted that the frequency-accumulation-type data recording method specified in claim 11 is neither disclosed by the references, nor suggested by them.

New dependent claim 10 provides that the data entered in codes (claim 1) includes data identifying different drivers. In section 3, the Office Action draws attention to "B/P" button 18 in Bailey's Figure 2. However the paragraph beginning at line 17 in column 3 of the reference indicates that this button 18 is used to distinguish between business and personal trips; it is not used for identifying a particular driver.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,



Allen Wood
Registration No. 28,134
Customer No. 23995
Rabin & Berdo, P.C.
(202) 326-0222 (telephone)
(202) 408-0924 (facsimile)